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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,946	01/30/2002	William Strausbaugh	17634L USA	7235

7590 10/14/2003

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EXAMINER

NGUYEN, KHIEM M

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060946

Applicant(s)

Strausbaugh

Examiner

K. NGUYEN

Group Art Unit

2839

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It seems that the title of of the invention in the submitted specification of the present invention is not the same as that of the title of the invention in the submitted declaration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Edera (5,457,764) and Debortoli et al. (5,067,784).

The APA add/drop filters system for multiplexing/demultiplexing as shown in figure 5 and discussed in the background of the present invention lack the claimed substantially similar submodules, each having one or more compartments for containing individual add/drop filters in said submodules.

Edera and Debortoli et al. both disclosed substantially similar submodules, each having one or more compartments for containing optical fibers, components and connectors for modulizing purposes.

Therefore, it would have been obvious for one of ordinary skilled in the art to provide substantially similar submodules, each having one or more compartments for containing individual add/drop filters in said submodules for the APA in view of the teachings of Edera and Debortoli et al. It is also old and well known in the art that providing a plurality of submodules for containing the add/drop filters and fibers of the prior art would allowing for better organization and modulization of the optical fibers and components.

Regarding the claimed number of add/drop filters provided in the claimed submodules are deemed obvious design choice due to system configuration. Regarding the use of bend guides to maintain a minimum bend radius for the fibers of said add/drop filters, both Edera and Debortoli

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et al. both disclosed the use of bend guides to maintain a minimum bend radius for the fibers of said add/drop filters. For example, Debortoli et al. disclose~~s~~ the use of bend guides 82.

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The recited limitations of wherein the compartments in the submodules are asymmetrically located such that when the submodules are combined, the compartments of opposite submodules are offset from one another and thus do not interfere with one another is not shown or suggested in the prior art.


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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sander et al., Suillerot et al. and Bossard et al. are further cited to show optical fiber managment devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Khiem Nguyen whose telephone number is (703) 308-1738.

The fax phone number for this group is (703) 872-9306.


KHIEM NGUYEN
PRIMARY EXAMINER

K.N.

September 20, 2003